

4 Feb 1970

Howard Woffren

Dear Howard:

Sorry for delay in writing. I have lately been engaged with something that I could not lay aside.

My failure properly to indicate the intent of my memo on 399 has brought forms of criticism that I did not anticipate and do not deserve. It was not and is not intended for publication, but merely to impart information to you, Gary, and Harold in lieu of a letter. The form of the memo was dictated more by consideration of how you and Harold might use it rather than by any plans that I have for using it. I sent it only to you three, but anticipated that you might show it to others who do not know background material on the bullet. I thought it expedient to relieve you of the burden of having to explain the background, and to relieve the non-researcher reader of tedious material that does not bear immediately on the topic in question. It is the bare bones of what is necessary to prove beyond doubt that 399 lost no fragments and to indicate the significance of that knowledge. Beyond that, you may add it as you like.

My failing to mention you as the origin of info about the "flake" was an oversight-- I did not even consider overlooking it. My mind went to the printed record of the lost fragment (Harold's letter from Archives) and stayed there.

Consider the use of your picture in the memo as no more reprehensible than if I had sent it to you in a letter, nothing else. If I had intended it for publication, or even for wider distribution to critics, I would have cleared questions of credit and use of pictures beforehand, as you well know.

My letter to you regarding accreditation in your chapter did not refer to anything you used that I sent you. It referred to things that have been published and copyrighted. If you thought that I was expressing indignation because I did not receive proper credit then you misunderstood what you read in that letter, and you don't know me. I wrote that letter for your benefit, not for mine. My attitude is that I am grateful for credit when it comes, but do not fuss when it doesn't. Harold tells me that Leihols has copyrighted in his own name something that I sent him; I don't care, except that it might keep Harold from using it (though I think that it will not). I have never required credit from anyone, and never will, unless the material is misused or misrepresented-- I might then lay claim and try to set the record straight. The info I wrote for Garrison is such a case-- they misused it at the trial in a way that could have backfired on them.

Jacketed bullets: Fragments in heads from military bullets does not surprise me-- even for bullets like 399-- but "dust"? I have to see it to believe it. Otherwise I say no, not for a 399. Descriptions of how the "dust" is distributed are confusing (compare Hunes and Kellerman with Panel), but enough is known about them to indicate that they were not caused by a 399, which is too heavy, too hard, and (especially) too slow.

Fragments of metal in soft tissue from a military bullet? Notwithstanding Fillinger's remarks, I think it impossible-- with certain exceptions that do not bear on matters related to the assassination. Fillinger can have seen only one of two things: (1) a military round that had been doctored by filing off the copper from the nose, or similarly disfigured by some other means ~~from~~ (I know some hunters who do this with military ammo, although it is dangerous, because the surplus stuff is much cheaper than soft-nose civilian ammo), or (2) the 5.6mm military round that is used in the V-10 rifle in Vietnam. The civilian equivalent of this is the .223, a varmint of very high velocity. The .223 is tiny (35 grains, I think), has a very thin (i.e. weak) jacket, and moves at much greater velocity than more ordinary military rounds. Also, in Vietnam it is usually fired at nearby targets so its on-target velocity is usually very high. With those two exceptions, if there is any military round in the world that can break up or leave any fragments on its own in soft tissue, I'll eat it. I'll also eat my X-ray that shows fragmentation in soft tissue of my 160 grain full metal case bullet that moves out of the muzzle at 2800 fps. If Fillinger saw fragments in soft tissue produced by the .223, then you asked him about tractors and he answered about racing cars. There is not the least comparison.

Backward head movement: Except that I shoot certain vermin species, I am not a hunter, but I have seen many animals killed by gunfire-- both in movies and in the flesh. Moreover, I have many friends who have witnessed this much more often than I have. I don't believe JFK's head movement can have been caused by a shot from the rear, and I haven't the heart to endure the ridicule of my friends if I were to try to tell them that a bullet ~~can~~ cast a man back like that-- they know better, and I know better. They don't know much about physics, and not much about human anatomy, but they do know what happens to an animal when it is shot in the head by a powerful bullet. They have seen it many, many times, and I have seen it.

In seeking to account for JFK's movement by even supposing that it might have been caused by a shot from the rear, you are seeking to ~~explain~~ explain what is ~~unexplainable~~ normal and expected in terms of what is abnormal and unexpected. ~~unexplainable~~ Abstract physics is no help if it contradicts normal and natural experience. I don't care how many pathologists say that the movement can be explained in accordance with a shot from the rear, they will have to prove it before I would give an inch. Can you not see that the burden of proof is with those who assert that the shot can have come from the rear? That is when I see such proof (not proof that it did happen that way, but merely proof that it can have happened that way), I'll believe it; till then, I must suppose that Fillinger and others who contradict experience with insubstantial supposition of possibilities (supported by nothing in the real world) are doing little more than smirking at their own asses. I have no wish to join them.

I don't wish to knock Fillinger too hard, really, for what you say of him causes me to reprimand him with much respect. But his cautions are unwarranted. You should take into consideration that ~~forensic~~ forensic pathologists as a group almost categorically subscribe to the notion that with bullets and wounds nothing is inaccessible. That, too, is unwarranted.

Those son's herd shot measurements: Some time ago Gary wrote to me and mentioned that these were wrong, but he didn't explain further. Your account seems sound in the extreme. Thanks. I suspect Gary will get in touch with you when he gets back to Philly-- I hope so, for you should talk, for you have both been doing the same things in certain areas. I don't know what he is doing at the moment, for I have not heard from him in some time.

F.O. testimony: I have accounts in the A.O. papers which are much more complete than national media. You can borrow these if you want them. Paul Foch may be letting some stuff out cheaply soon; I'll let you know. I do not intend to go for Hirton's sister, for the cost is too much and the A.O. papers were sufficient for me.

Hirton is an oddball and causing some trouble. If you ever have occasion to be in touch with him, let me know first, for you will need some caution.

Something just came up, and I have to stop. Don't fret about telling Nichols about the "flame" being detached. It's the sort of mistake I might have made had I been in touch with him and wanted to win his confidence (which I don't have yet, even though I have given him useful material and have acted toward him with trust). I suspect that it is knowledge of the "flame" that is causing his recent flurries over the base of 399, and that he has not the least idea of what the rest of the base means. The copy of Frazier's A.O. testimony is one that passed through his hands and has none of his marginal notes. He made no notes on the passage where Frazier mentions taking substance from the base, so perhaps he regards it unimportant.

Must stop. I'll have things to say to Harold about 399 base and will send you a copy. There may be a way of checking with reasonable certainty ~~whether~~ whether the grainy substance is gunpowder. Also of knowing whether the base changed between the time when Harold and his picture taken and yours. I think now that there was no change, but Harold thinks there was-- neither of us is sure. This method will be cheaper than getting a new picture taken.

Stay well.

cc: Weisberg